

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:17-cv-00160-FDW-DSC

THIS MATTER is before the Court *sua sponte* to amend the Court's Order entered on October 4, 2017 (Doc. No. 23) (the "Order") to the extent set forth herein.

The Order granted Defendants Chuck Brock, Donald S. Zeccardi, Malcolm Burchett, Jr., Tifani A. Grusky, and Michael A. Nail's (the "Individual Defendants") Motion for Judgment on the Pleadings (Doc. No. 15) and dismissed without prejudice Plaintiff's claims against the Individual Defendants of (1) breach of contract; (2) wrongful discharge; (3) discrimination claims under 42 U.S.C. 2000e, *et seq.*; and (4) violation of the North Carolina Constitution.

However, the Order did not dispose of all claims against the Individual Defendants. As stated in his response, Plaintiff contends that the Complaint states other valid claims against the Individual Defendants, including claims under 42 U.S.C. §§ 1981, 1985 and for intentional and negligent infliction of emotional distress. (Doc. No. 1-1; Doc. No. 21). The Individual Defendants did not file a reply to argue to the contrary and have not filed a second motion for judgment on the pleadings moving for dismissal of these claims.

Accordingly, the Court AMENDS the Order (Doc. No. 23) to clarify that the Individual Defendant's Motion for Judgment on the Pleadings is GRANTED to the extent it seeks dismissal

of Plaintiff's claims against the Individual Defendants of (1) breach of contract; (2) wrongful discharge; (3) discrimination claims under 42 U.S.C. 2000e, *et seq.*; and (4) violation of the North Carolina Constitution and DENIED to the extent it seeks dismissal of any other claim asserted by Plaintiff against the Individual Defendants.

Therefore, the Court DISMISSES without prejudice Plaintiff's claims against the Individual Defendants of (1) breach of contract; (2) wrongful discharge; (3) discrimination claims under 42 U.S.C. 2000e, *et seq.*; and (4) violation of the North Carolina Constitution and WITHHOLDS judgment on the sufficiency of pleadings for any other claim purportedly asserted by Plaintiff against the Individual Defendants until properly before the Court.

In accordance with this Amended Order, the Court STRIKES the Judgment entered on October 4, 2017 (Doc. No. 24).

IT IS SO ORDERED.

Signed: October 10, 2017

  
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Frank D. Whitney  
Chief United States District Judge  
